

ENVIRONMENTAL PROTECTION AGENCY

N. Nicolet
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In Reply Refer To: SI-N11

MAY 12 1976

Mr. Peter R. Taft
Assistant Attorney General
Land & Natural Resources Division
Department of Justice
Washington, D.C. 20530

Dear Mr. Taft:

Thank you for your letter of March 23, 1976, concerning the asbestos waste piles in Ashler, Pennsylvania.

The Regional Office has been involved with this problem since December, 1971. Until recently, effective control of these piles has proven to be a most difficult and awkward problem to address, due to a lack of legal authority and the actual size and age of the waste disposal area. Enclosed you will find a report prepared earlier this year which is part of another EPA document on the subject of toxic substances, which should summarize the past history of this case.

Our latest efforts resulted from EPA's promulgation on October 14, 1975 of new regulations under Section 112 of the Clean Air Act (National Emissions Standards for Hazardous Air Pollutants (NESHAPS)). We believe that these regulations which address the disposal of asbestos waste in addition to the efforts by the Pennsylvania Department of Environmental Resources (DER) in accordance with their solid waste regulations, will abate the potential public health danger with respect to these piles.

On April 8, 1976, an inspection of the area was conducted and a follow-up meeting was held with DER officials to coordinate any enforcement action. At this meeting, DER officials claimed that they expect all dumping of asbestos waste at these piles to cease by July, 1976. However, Nicolet, the owner of two of the waste piles has filed a request for a two-year waiver of compliance to permit dumping of an asbestos waste slurry. Also, Certain-Teed is continuing to dump asbestos concrete pipe on its waste pile. Nicolet will install mechanical separation equipment to recycle their asbestos. Although there is a consent agreement between DER and Nicolet to complete this project by July, 1976, the pending waiver of compliance places the completion date of this project in doubt. The other corporation, Certain-Teed already has such a system in operation... the remaining material being disposed of in this area... Certain-Teed is a rejected asbestos-cement pipe waste. My staff believes that the pulverizing or crushing of this waste is a violation of the new

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